



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,383	08/19/2003	George Eckerd	23712/111	6216

7590 01/12/2007
Nixon Peabody LLP
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

EXAMINER

BATES, KEVIN T

ART UNIT	PAPER NUMBER
----------	--------------

2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/644,383

Applicant(s)

ECKERDT, GEORGE

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-19-03, 3-15-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to a communication received on August 19, 2003.

The information Disclosure Statements received August 19, 2003 and March 15, 2004 have been considered.

Claims 1-42 are currently pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (6317044) (Applicant's IDS) in view of Shniberg (6801245).

Regarding claims 1, 15, and 29, Maloney teaches an asset management system (Column 10, lines 11 – 14) comprising one or more stations for receiving a tangible asset (Column 10, lines 11 – 14, where the storage unit is a station for receiving the tangible asset; Column 10, lines 34 – 37) and a server system coupled to a communication medium (Column 10, lines 13 – 15; the remote computer), wherein the server system stores information regarding tangible asset transactions between the stations and the tangible assets in the asset management system (Figure 37E, step 660).

Art Unit: 2155

Maloney does not explicitly indicate that the communication medium allows the asset management system to be accessed remotely via the communication medium.

Shniberg teaches a system for tracking objects that includes a remote tracking center that is located remotely from a local tracking computer that remotely communicates with the local computer for tracking information (Column 3, lines 28 – 35; Column 5, lines 12 – 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Shniberg's teaching to include a remote tracking center in Maloney's system in order to allow tracking of objects on a wide geographic scale.

Regarding claims 2, 16, and 30, Maloney teaches the system as set forth in claims 1, 15, and 29 wherein the server system permits the asset management system to be accessed based on one or more criteria (Column 22, lines 25 – 34).

Regarding claims 3, 17, and 31, Maloney teaches the system as set forth in claims 2, 16, and 30 wherein the server system permits the tangible assets to be removed from the stations or replaced to the stations based on the one or more criteria (Column 22, lines 25 – 34).

Regarding claims 4, 18, and 32, Maloney teaches the system as set forth in claims 2, 16, and 30.

Maloney does not explicitly indicate a remote system that provides the one or more criteria to the server system.

Art Unit: 2155

Shniberg teaches a system for tracking objects that includes a remote system that provides the one or more criteria to the server system (Column 3, lines 28 – 35; Column 5, lines 12 – 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Shniberg's teaching to include a remote tracking center in Maloney's system in order to allow tracking of objects on a wide geographic scale.

Regarding claims 5, 19, and 33, Maloney teaches the system as set forth in claims 2, 16, and 30 wherein the one or more criteria comprises a user ID, a user password, and a user security access level (Column 22, lines 25 – 34).

Regarding claims 6, 20, and 34, Maloney teaches the system as set forth in claims 1, 15, and 29.

Maloney does not explicitly indicate wherein the server system provides a remote system with the stored information regarding the transactions with the stations.

Shniberg teaches a system for tracking objects that provides a remote system with the stored information regarding the transactions with the stations. (Column 3, lines 28 – 35; Column 5, lines 12 – 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Shniberg's teaching to include a remote tracking center in Maloney's system in order to allow tracking of objects on a wide geographic scale.

Regarding claim 7, 21, and 35, Maloney teaches the system as set forth in claims 1, 15, and 29 wherein the server system stores information describing the asset

management system, the information comprising at least one of an identity, a location and an installation date of the asset management system (Column 22, lines 25 – 34).

Regarding claims 8, 22, and 36, Maloney teaches the system as set forth in claims 1, 15, and 29 wherein the stored transaction information comprises at least one of a location of one or more of the stations where one or more of the tangible assets were removed from or replaced to, an identity of the stations where the tangible assets were removed from or replaced to, a date or time the tangible assets were removed, an identifier for each of the removed the tangible assets, and an identity of one or more users that removed the tangible assets (Column 23, lines 57 – 65).

Regarding claims 9, 23, and 37, Maloney teaches the system as set forth in claims 1, 15, and 29 wherein the server system stores alarm information describing one or more alarm conditions to be satisfied to trigger an alarm of the asset management system (Column 7, lines 12 – 17).

Regarding claims 10, 24, and 38, Maloney teaches the system as set forth in claims 9, 23, and 37 wherein the server system sounds the alarm of at least one of the asset management system and a remote system upon determining that the one or more alarm conditions have been satisfied (Column 7, lines 12 – 17).

Regarding claims 11, 25, and 39, Maloney teaches the system as set forth in claims 1, 15, and 29 wherein the server system provides a remote system with one or more graphical user interfaces for accepting data used by the server system to perform at least one of permitting the asset management system to be accessed, permitting the tangible assets to be removed from the stations, permitting the tangible assets to be

Art Unit: 2155

replaced to the stations, setting alarm conditions, and storing information that describes the asset management system (Column 23, line 60 – Column 24, line 2).

Regarding claims 12, 26, and 40, Maloney teaches the system as set forth in claims 1, 15, and 29 further comprising a user input interface that receives user identification information associated with a request to access the asset management system (Column 23, line 60 – Column 2, line 2).

Regarding claim 13, 27, and 41, Maloney teaches the system as set forth in claims 12, 26, and 40 wherein the user input interface further comprises an access control card reader, the requester identification information being stored on an access card that is coupled to the access control card reader (Column 22, line 1 – 3).

Regarding claim 14, 28, and 42, Maloney teaches the system as set forth in claims 13, 27, and 41 wherein the server system converts the requestor identification information from a first format to a second format (Column 22, lines 25 – 34, where the first format is data on an ID card and the second is digitally stored for user id/password check).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent NO. 6737961 issued to Flick, because it teaches a station for receiving inventoriable assets.

U. S. Patent No 6232876 issued to Maloney, because it teaches many stations tracking many mobile tangible assets.

Art Unit: 2155

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KB

KB
January 6, 2007

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER